

Case 1:20-cv-00526-MAC-ZJH Document 29 Filed 03/08/24 Page 1 of 2 PageID #: 117

EASTERN DISTRICT OF TEXAS

AARON CHARLES HILL,

Plaintiff,

versus

D. GROSZ, *et al.*,

Defendants.

CIVIL ACTION NO. 1:20-CV-526

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Aaron Charles Hill, an inmate confined at the Hightower Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (“TDCJ-CID”), proceeding *pro se*, filed the above-styled civil rights lawsuit against D. Grosz, Bryan Collier, Bob Wortham, Zena Stephens, Raquel West, Sean Christopher Villery, Jamie Smith, the Jefferson County District Clerk’s Office and the Beaumont Police Department. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the case be dismissed for failing to state a claim upon which relief may be granted.

In his Report and Recommendation, the magistrate judge concluded that defendants West, Wortham, Smith and the District Clerk's Office were entitled to absolute immunity. The magistrate judge further concluded plaintiff failed to show defendant Collier was personally involved in the actions described in the complaint and that defendant Villery did not act under color of state law. Plaintiff alleged that defendant Grosz failed to properly respond to a grievance he filed with the State Bar of Texas. The magistrate judge found plaintiff did not have a liberty interest in the consideration of his grievance. Finally, the magistrate judge concluded the claims against defendants Wortham, Stephens, West and the Beaumont Police Department were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).

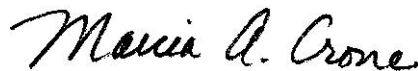
The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. In addition, the court has considered the allegations in plaintiff's two motions to amend and his motion to submit newly discovered evidence. After careful consideration, the court is of the opinion plaintiff's objections are without merit and that he is not entitled to relief. The authorities cited in the Report and Recommendation support the conclusions reached by the magistrate judge.

ORDER

Accordingly, the objections filed by plaintiff in this matter (#28) are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#22) are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 8th day of March, 2024.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE